

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 111 of 2013**

Ayodhya Prasad S/o Bakhatram Chandravanshi, aged 44 years, R/o Village Dongariya, Post P.S. & Tahsil Pandatarai, Distt. Kabirdham (C.G.).

---- Applicant**Versus**

State of Chhattisgarh Through District Magistrate, Kabirdham (C.G.)

---- Respondent

For Applicant	:	Mr. Keshav Dewangan, Advocate
For Respondent	:	Ms. Smita Ghai, PL

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

22/11/2018

1. This revision has been preferred against the judgment dated 07/02/2013 passed in Criminal Appeal No. 20/2012 by the Additional Sessions Judge, Kabirdham (Kawardha) (C.G.) arising out of judgment dated 04/02/2012 passed in Criminal Case No. 531/2010 by the Judicial Magistrate First Class, Pandariya convicting the accused/Applicant under Sections 451 & 354 of the IPC and sentenced him to undergo RI for 3 months with fine of Rs. 500/- and RI for 3 months with fine of Rs. 500/-, respectively with default stipulations.
2. As per prosecution story, on 11/08/2010 the Complainant (PW1), a married lady, was sitting in front of her house. It is alleged that the Applicant, who was in intoxication of liquor, came there and caught hold her. The Complainant, somehow, get rid of the Applicant and

entered into her house. The Applicant also entered into her house and tried to outrage her modesty. A report was made by the Complainant. After investigation, a charge-sheet was filed and charges were framed.

3. After trial, the learned Judicial Magistrate First Class has convicted and sentenced the Applicant as mentioned in the first paragraph of this order, which was also affirmed by the Appellate Court. Hence, this revision.
4. Learned Counsel appearing for the Applicant submits that he does not want to press this revision on merits and confines his argument to the sentence part only. He further submits that the incident is of the year 2010, the Applicant is facing the *lis* since 8 years, out of total jail sentence of 3 months the Applicant has undergone about 15 days and there is no known criminal antecedent against him, therefore, the jail sentence awarded to the Applicant may be reduced to the period already undergone by him.
5. Per contra, learned Counsel appearing for the State supported the impugned judgment and submits that the sentence awarded by the trial Court is just and proper and requires no interference.
6. I have heard learned Counsel appearing on behalf of the parties and perused the record minutely.
7. Considering the above facts and circumstances, particularly considering that out of total jail sentence of 3 months, the Applicant has undergone about 15 days and he is facing the *lis* since 2010, I am of the view that the ends of justice would be met if, while upholding the conviction imposed upon the Applicant, the jail sentenced awarded to

him is reduced to the period already undergone by him and the fine imposed upon the Applicant under Sections 451 and 354 IPC is enhanced to Rs. 5000/- and Rs. 5000/-, respectively. Ordered accordingly. The enhanced amount of fine shall be payable within 1 month from the date of receipt of a copy of this order. In default of payment, the Applicant shall be liable to undergo RI for 1 month. If any amount has already been deposited towards fine, the same shall be adjusted in the amount of fine imposed/enhanced today.

8. Consequently, the revision is partly allowed to the extent indicated above.
9. It is reported that the Applicant/accused is on bail. His bail bond is not discharged at this stage and the same shall remain operative for a further period of 6 months in view of the provisions contained in Section 437-A of Cr.P.C.
10. Records of the Court below be sent back along with a copy of this order forthwith for information and necessary compliance.

Sd/-
(Arvind Singh Chandel)
Judge